

Serial No. 09/704,838

In reply to: Office Action mailed March 9, 2006

Page 6 of 7

RECEIVED
CENTRAL FAX CENTER

AUG 07 2006

REMARKS

This is in response to the Office Action mailed on March 9, 2006. Claims 1-25 were pending in the application and were rejected. With this amendment, the independent claims, i.e., claims 1, 9, and 18, are amended. The remaining claims are unchanged, and no new claims are added.

Claims 1-25 were rejected under 35 U.S.C. 103(a) as being obvious over Wolfberg in view of Sullivan and Ferry. The Office Action states that Wolfberg determines "the expectations . . . and impact . . . of investment decisions with a plurality of selectable service levels (Fig. 3B, item 130)." The independent claims are amended to include the feature of "providing a plurality of user selectable service levels-wherein each service level includes a unique combination of amounts of portfolio modeling and coaching available to the user." Applicants respectfully submit that the amended claims are patentably distinguishable from the combination of references for at least the reason that the amended feature above is neither shown in the references nor suggested in the prior art. Accordingly, Applicants respectfully request that the rejection be removed.

Applicants respectfully submit that the amended features are patentably distinguishable from the service request of item 130 and its corresponding teaching. For example, Fig. 3B is a type of flow chart of a "type of transaction which the data processing system of [Wolfberg] controls and monitors." The transaction is initiated with a request for service, which "takes the form of either [sic] a check written or credit card purchase, an investment request or a loan request" or other services such as travel service processing requests, as set forth in column 9, lines 27-43.

These different types of service are distinguishable from the different "amounts of portfolio modeling and coaching" as set forth in the independent claims. More specifically, the "user" of the present invention selects an amount of desired portfolio modeling and coaching from a plurality "of amounts of portfolio modeling and coaching available to the user." For example, one user selectable service level can include lots of portfolio modeling and coaching available to a user whereas another user selectable service level can include little portfolio modeling and coaching available to the user. Wolfberg teaches, on the other hand, different types of service, but does not teach or suggest that a user can select variable amounts of any particular service and then providing service commensurate with the amount of service selected. More particularly, Wolfberg does not teach and the prior art does not suggest the claimed feature of "providing a plurality of user selectable service

Serial No. 09/704,838

In reply to Office Action mailed March 9, 2006

Page 7 of 7

levels wherein each service level includes a unique combination of amounts of portfolio modeling and coaching available to the user."

Because these features are not shown in the references separately or suggested in the prior art, they cannot be found in any proposed combination of the references. Applicants respectfully submit that independent claim 1, 9, and 18 are patentably distinguishable from the prior art. Claims 2-8, 10-17, and 19-25 depend from the patentable independent claims and, by virtue of their dependency, are patentable also. Accordingly, Applicants respectfully request removal of the rejection and favorable action and allowance of the application.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7340. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference 60021-375602).

Respectfully submitted,

By 

Rudolph P. Hofmann, Reg. No. 38,187
Customer No. 29838

Oppenheimer Wolff & Donnelly, LLP
45 South Seventh St., Suite 3300
Minneapolis, MN 55402-1609
Telephone: 612-607-7340
Facsimile: 612-607-7100
E-mail: RHofmann@oppenheimer.com